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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**
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17 RUNVEE INC.,
18 Plaintiff,
19 v.
20 UNITED STATES OF AMERICA,
21 Defendant.
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CASE NO. 2:10-cv-02260-KJD-GWF
**STIPULATION AND JOINT MOTION
TO EXTEND DISCOVERY AND
DISPOSITIVE MOTION DEADLINES**
(Second Request)

24 The United States of America and plaintiff, Runvee Inc., by and through undersigned
25 counsel, who hereby submit this Stipulation and Joint Motion to extend the discovery deadline
26 from April 6, 2012 to May 25, 2012. Additionally, the parties request that the deadline to file
27 dispositive motions be extended from June 1, 2012 to June 29, 2012, and the deadline to file the
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1 proposed Pre-trial Order be extended from June 22, 2012 to July 13, 2012. In the event a
2 dispositive motion is filed, the parties request that the date for filing the proposed joint Pre-Trial
3 Order shall be suspended until thirty (30) days after decision upon the dispositive motion or
4 further order of the Court.

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6 1. On June 8, 2011, the Court entered its Scheduling Order [Doc. No. 18], setting the
7 discovery cut-off date for March 5, 2012. The Court's Scheduling Order further set the
8 dispositive motion deadline in this matter for April 4, 2012 and the proposed Joint Pre-Trial
9 Order deadline for May 4, 2012.

10 2. On February 21, 2012, the Court entered an Order to extend discovery and disposition
11 motion deadlines. The Order set the discovery deadline to April 6, 2012; the disposition motion
12 deadline to June 1, 2012; and the proposed Pre-Trial Order deadline to June 22, 2012.

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14 3. A Scheduling Order may be modified "for good cause and with the judge's consent."
15 Fed. R. Civ. P. Rule 16(b). The Ninth Circuit has held that the showing of "good cause" under
16 Rule 16(b) focuses on "the reasonable diligence of the moving party." *Noyes v. Kelly Services*,
17 488 F.3d 1163, 1174 (9th Cir. 2007) (citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d
18 604, 609 (9th Cir. 1992)). Under Rule 16(b), the good cause standard should be "liberally
19 construed." *Export-Import Bank of the United States v. Asia Pulp & Paper Co.*, 233 F.R.D. 338,
20 342 (S.D.N.Y. 2005).

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22 4. Since the filing of this action, the parties have completed the following discovery:

- 23 • On May 17, 2011, the Plaintiff served its Initial Disclosures in this case, which consisted
24 of 585 pages of documents (RUNVEE000001-000585).
- 25 • On May 25, 2011 the United States served its Initial Disclosures in this case.
- 26 • On May 27, 2011, the Plaintiff served its First Set of Interrogatories on the United States.
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- 1 • On June 8, 2011, the United States served documents on the Plaintiff via e-mail which
- 2 were referenced in United States' Initial Disclosures.
- 3 • On June 29, 2011, the United States served its Response to the Plaintiff's First Set of
- 4 Interrogatories.
- 5 • On July 20, 2011 the United States served its First Request for Production of Documents
- 6 on the Plaintiff.
- 7 • On July 27, 2011, the United States served subpoenas *duces tecum* on Centex Homes and
- 8 Nevada Title Company.
- 9 • On August 5, 2011, the Plaintiff served its First Request for Production of Documents to
- 10 the United States.
- 11 • On August 8, 2011, the Runvee served its Response to the United States' First Request
- 12 for Production of Documents.
- 13 • On August 19, 2011, the United States served additional discovery on the plaintiff via US
- 14 Mail, and provided the Plaintiff with documents received from Nevada Title pursuant to a
- 15 subpoena *duces tecum*.
- 16 • On September 7, 2011, the United States served its Response to the Runvee's First
- 17 Request for Production of Documents.
- 18 • On September 12, 2011, the Plaintiff served its Second Set of Interrogatories on the
- 19 United States.
- 20 • On September 19, 2011, the Plaintiff served its Notices of Taking the Depositions of
- 21 Douglas Wolf and Eric Sullivan.
- 22 • On October 18, 2011, the United States served its Response to the Plaintiff's Second Set
- 23 of Interrogatories.
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- 1 • By letter dated October 18, 2011, the Plaintiff provided to the United States the
- 2 documents received from Eric Sullivan pursuant to the Plaintiff's subpoena.
- 3 • On October 24, 2011, the parties took the deposition of Eric Sullivan.
- 4 • On December 14, 2011, the United States served Rabobank with a subpoena *duces tecum*
- 5 in response to which Rabobank has produced documents.
- 6 • On or about December 16, 2011, the United States made informal discovery requests to
- 7 plaintiff's counsel for documents in the possession of entities related to the indirect
- 8 owners of Runvee, Inc. In response, the plaintiff's counsel has provided informal
- 9 discovery.
- 10 • On December 22, 2011, the United States served its Requests for Admission on the
- 11 plaintiff.
- 12 • On December 27, 2011, the United States served its First Request for Interrogatories on
- 13 the plaintiff.
- 14 • On January 4, 2012, the United States served its expert report by David LaRue.
- 15 • On January 12, 2012, the United States served subpoenas on Douglas Wolf and
- 16 Integrated Capital Associates, Inc. for documents and testimony.
- 17 • On or about January 12, 2012, the plaintiff noticed the depositions of Garth Osterman,
- 18 David Thompson and Carl Stoney, who are partners at Reed Smith LLP.
- 19 • On or about mid-January, 2012, the plaintiff provided additional documents pursuant to
- 20 the United States' informal request for discovery.
- 21 • On January 25, 2012, Rabobank provided the final batch of documents in response to the
- 22 United States' subpoena. Those documents have been provided to the plaintiff.
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- 1 • On or about January 24, 2012, the plaintiff served its response to the United States’
2 Requests for Admissions.
- 3 • On or about January 24, 2012, the plaintiff served its response to the United States’ First
4 Request for Interrogatories.
- 5 • On January 27, 2012, the United States produced additional documents to the plaintiff.
- 6 • On February 2 and 3, 2012, the United States took the deposition of Marcus Shaw in
7 Hong Kong.
- 8 • On February 3, 2012, the United States provided Reed Smith with a subpoena *duces*
9 *tecum* and to which Reed Smith produced documents to the parties.
- 10 • On February 15, 2012, the parties took the depositions of Garth Osterman, David
11 Thompson and Carl Stoney, who are partners at Reed Smith LLP.
- 12 • On March 6 and 7, 2012, the parties took the depositions of Douglas Wolf, Integrated
13 Capital Associates, Inc. and International Counselors and Advocates LLP. Prior to the
14 depositions, the parties were provided with documents in response to the United States’
15 subpoenas.
- 16 • On March 20, 2012, the United States took the deposition of Stephen Rice. On or before
17 April 3, 2012, Mr. Rice will provide the United States with documents in response to the
18 United States’ subpoena.

19 5. The parties anticipate having the following discovery to be completed:

- 20 • On April 10, 2012, the deposition of Chris Kortlandt of Rabobank in New York.
- 21 • During the week of April 16, 2012, the deposition of John Shaw in Hong Kong.
- 22 • During the week of May 21, 2012, the deposition of the government’s expert,
23 David LaRue.

- During the period, the United States will continue to search for the whereabouts of Douglas Mullins, who was disclosed by the Plaintiff, and Julian Trinder, who the United States believes is associated with Douglas Mullins, and attempt to secure their appearance for a deposition.

6. An extension of time will afford the parties the flexibility to accommodate witnesses' schedules and to prepare for dispositive motions.

7. Accordingly, the undersigned have agreed that an extension of existing deadlines will facilitate the parties to complete necessary discovery and discussions about the factual and legal merits of this action. This motion is not made for delay, but to advance this litigation.

8. This is the parties' second request for an extension of time in this matter.

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1 For the reasons listed above, and in the interests of the parties and the Court, the parties
2 respectfully request that the Court extend the discovery deadline from April 6, 2012 to May 25,
3 2012. Additionally, the parties respectfully request that the deadline to file dispositive motions
4 be extended from June 1, 2012 to June 29, 2012, and the deadline to file the proposed Pre-trial
5 Order be extended from June 22, 2012 to July 13, 2012.
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7 Respectfully submitted this 28th day of March, 2012.

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9 Sideman & Bancroft LLP

10 /s/Jay R. Weill

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U.S. Department of Justice

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17 IT IS SO ORDERED

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UNITED STATES MAGISTRATE JUDGE

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21 DATED: March 29, 2012
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing **STIPULATION AND JOINT MOTION TO EXTEND DISCOVERY AND DISPOSITIVE MOTION DEADLINES** (Second Request) has been made this 28th day of March, 2012, by the Court's CM/ECF system to the following:

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